

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA,

v.

ALBERT BRUCE SINGLETARY,

Defendant.

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**Criminal Action No.
5:08-CR-12(HL)**

ORDER

Defendant Albert Bruce Singletary has filed a pro se “Interlockatory [sic] Motion” (Doc. 45), in which Defendant requests that his impending criminal trial be stayed to allow the Eleventh Circuit Court of Appeals to consider his appeal. Defendant is represented by counsel. As the Court has told Defendant on numerous occasions, pro se motions will not be accepted. If Defendant wishes to file a motion, it should be filed through counsel. As a result, Defendant’s “Interlockatory [sic] Motion” is denied.

In addition, the Court notes it has jurisdiction to proceed with Defendant’s criminal trial, despite the filing of the notice of appeal. The notice of appeal seeks review of an interlocutory order that is not immediately reviewable. As the Court stated in a previous Order, a notice of appeal that seeks review of an interlocutory order does not divest the district court of jurisdiction. See United States v. Kapelushnik, 306 F.3d 1090, 1094 (11th Cir. 2002) (“Our precedent holds that a

premature notice of appeal does not divest the district court of jurisdiction over the case.”).

SO ORDERED, this the 7th day of August, 2008

s/ Hugh Lawson
HUGH LAWSON, Judge

dhc